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UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC GAPCO,

Defendant.

**Order to Continue Jury Trial**

Case No. 2:24-cr-00250

Based on Mr. Gapco's unopposed motion to continue, the Court makes the following findings:

1. Mr. Gapco was arraigned on an indictment on August 1, 2024. His jury trial was scheduled for October 7, 2024, which was within the 70-day time period.
2. Mr. Gapco moves to continue his trial for 120 days pursuant to 18 U.S.C. § 3161(h)(7). This is his first request for a continuance.
3. The defense asks the Court to continue Mr. Gapco's trial for two reasons. First, the parties are still negotiating the terms of a protective order and the disclosure of additional discovery, which the defense must receive and review before proceeding in this case. Second, the defense asks for additional time because of Mr. Gapco's recent placement in residential drug treatment at Odyssey House. The defense submits that it is critical right now for Mr. Gapco to focus on his health, his sobriety, and this opportunity to successfully complete treatment, which the defense submits will be a significant factor as the parties assess a

potential resolution in this case. If Mr. Gapco does not have this opportunity to demonstrate his good conduct, it will result in a miscarriage of justice under 18 U.S.C. § 3161(h)(7)(B)(i).

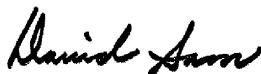
4. Government counsel was contacted and does not oppose the proposed continuance.

Based on the foregoing findings, the court concludes that failure to grant a continuance would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and Mr. Gapco in a speedy trial.

It is hereby ordered that the jury trial previously scheduled to begin October 7, 2024, is continued to the 11th day of February, 2025. The time between the filing of Defense's Unopposed Motion to Continue and the new trial date is excluded from speedy trial computations for good cause.

Dated this 19th day of September, 2024.

BY THE COURT:

  
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DAVID SAM  
Senior United States District Judge